



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

preserving to the accused the rights given him by the Constitution is considered, are comparatively few. The simpler forms that will sooner or later supersede in all States the present archaic ones are illustrated by reference to the revised indictments already in use in New York and Massachusetts.

H. A. B.

LE POUVOIR EXÉCUTIF AUX ETATS-UNIS. Par M. Adolphe de Chambrun. Revue, corrigée et augmentée avec préface de M. Pierre de Chambrun. Paris: A. Fontemoing, Éditeur. 1899. pp. xvi, 337.

This extensive monograph was first published in 1873 — about the time of the Third Republic in France — with the intention of familiarizing the French people with the system of the American executive. It is then essentially an exposition and only secondarily a critical study of our government. It has been little known in the United States, and the present re-edition is practically a re-introduction of the book. It is on the whole a sound exposition of the subject — careful, minute and admirably clear, full of historical explanation. In only one place, in regard to the function of the judicial power to adjudge legislation unconstitutional, is positive error noticed. The defects of the book are the seemingly almost insuperable ones which beset a continental writer who deals with the American or English systems of government. The author shows a constant tendency to attribute the form of the executive power far too much to abstractly rational ideas, to reduce to formulæ, to “neglect what he cannot express neatly,” — or from the other aspect, he failed to comprehend completely the flexibility of our institutions, he put too little emphasis on the growth of the power of the central government and felt too little the power of the states; his system of checks balances over nicely, he missed the rough-hewn, elastic quality of the system.

Another Frenchman writing a few years later, Boutmy in his “*Études de Droit Constitutionnel*,” pointed out most acutely the often illogical and seemingly unworkable nature of parts of our system, but he appreciated another fact, that these clumsy parts of our machinery were often perfectly serviceable. It is just that sort of thing that Chambrun failed to do, and on the whole his book teaches us little. Yet in this very abstract rationalism the author gained at least one thing, — an uncommon conception of the immense scope of the executive power. His chapter on the transformation of that power during the administration of Lincoln is, to the ordinary American, most interesting. And the last chapter, where he predicts that in case the United States acquire new territory inhabited by races different from her own, the power of the executive will be wonderfully augmented, has been proven by recent events.

J. P. C. JR.

BILLS OF EXCHANGE, PROMISSORY NOTES, BANK-NOTES AND CHEQUES. By Sir John Barnard Byles. Sixteenth Edition. By Maurice Barnard Byles and Walter John Barnard Byles. London: Sweet & Maxwell, Lim. 1899. pp. lxx, 582.

The leading, though not the earliest, English text book on the law of Bills and Notes has passed into its sixteenth edition. It is difficult to recognize full grown in the present stout volume the modest little original published in 1829. That first edition did not aim to compete with the earlier works of Bayley and of Chitty, first published in 1789 and 1799 respectively, but supplied the long-felt want of a brief summary of the

law supported by the leading authorities. The Bills and Notes Act of 1882 marked an era in the English mercantile law. Essentially a codification, it introduced a uniform law for the United Kingdom. The fourteenth edition of the present work in 1885 showed, therefore, a radical change in the phrasing of the text; the definitions were then cast in the language of the statute. The order and arrangement, however, remained much as they were before the act, although thirteen editions had substantially changed those of the author in 1829. The code was remarkably successful in diminishing litigation, and there are, therefore, but few changes to be found in the present volume. The editors, however, are now able to incorporate in its proper place the important case of *Vagliano v. Bank of England*, 1891 [1891] App. Cas. 107,—that a payee may well be "fictitious" within the meaning of the code, although the person sought to be charged did not know that he was such. In the fifteenth edition this case had to be inserted in the preface. The general scheme of the book remains the same as in that edition. The first ten chapters describe the instrument, the next two are devoted to the title of the holder, then come six chapters on his duties, and lastly a description of his rights. The code itself is not only given *in toto* in the appendix, but each section appears appropriately in the text. The body of the work consists of statements of the law, accurate and clear; and each principle is supported by a note containing not only all the authorities but a brief explanation of them. A better work could scarcely have been prepared for the English mercantile lawyer. J. W.

A TREATISE ON THE LAW OF TRUSTS AND TRUSTEES. By Jairus Ware Perry. Fifth Edition, by John M. Gould. In two volumes. Boston: Little, Brown & Co. 1899. pp. cxlix, 766.

The wide recognition which Perry on Trusts has received in American courts as well as the real merit of the work justify a new edition of it after an interval of ten years. The present edition makes no change in the text of the book, the additions consist entirely of brief footnotes and citations of recent authorities—both rather less in quantity than one would expect. The editor points out the changes and ramifications of the law since the last edition without attempting to explain them or to correct the errors of the text—though he often indicates authorities where discussion of the various subjects may be found. The notes are slight but clear and accurate. They seem most important in the chapters, "*Rights of Cestuis que Trust*," "*Constructive Trusts*," and "*Statutes of Limitations*."

Whatever is added in this new edition then seems, in general, good—the objections to it lie rather in what has been left out. The exposition of the principles of the law in the original editions was often scanty and historically weak, for example, the general treatment of the doctrine of declarations of trust. The new editor does not try to fill those gaps, he has made a fuller book, and has increased its value, he has not materially changed it. These difficulties are to a certain extent counteracted by many references to other books,—notably to Ames' Cases on Trusts,—but on the whole it is fair to say that the editing has been carried on on a smaller scale than the value of the book warranted. Some minor defects may be noted; the editor is silent concerning the doctrine of *Wetmore v. Porter*, that a fraudulent trustee who has disposed